

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

A.B., an infant, by his mother and natural  
guardian, DORIS MALDONADO ALVEREZ,  
and, DORIS MALDONADO ALVEREZ,  
individually,

Plaintiffs,

- against -

UNITED STATES OF AMERICA.

Defendant.

16 Civ. 2554 (LMS)

**ORDER ESTABLISHING SPECIAL  
NEEDS TRUST FOR THE MINOR  
PLAINTIFF**

WHEREAS the parties have agreed to the settlement of this case for the total sum of \$800,000.00, and the settlement was approved by separate Order of this Court, which provides for a lump sum payment to plaintiff's attorney to be distributed pursuant to the directives of the Court; and

WHEREAS, the plaintiff has demonstrated that it is in the best interests of the minor plaintiff, A.B., to have his net proceeds of the settlement in the sum of \$ 543,199.23 deposited into a Special Needs Trust, created for his benefit

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that the infant's net proceeds of the settlement in the sum of \$ 543,199.23 shall be paid to DORIS MALDONADO ALVEREZ and ORANGE BANK AND TRUST COMPANY as Co-Trustees of the A.B. Special Needs Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the A.B. Special Needs Trust is hereby approved in the form annexed hereto and its terms incorporated herein by reference;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that DORIS MALDONADO ALVEREZ, residing at 56 Walnut Street, New Rochelle, New York, and ORANGE BANK AND TRUST COMPANY, maintaining offices at 91 Brookside Avenue, Chester, New York, be and hereby are appointed Co-Trustees of the A.B. Special Needs Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that ORANGE BANK AND TRUST COMPANY shall be the sole Trustee authorized to make distributions from the A.B. Special Needs Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustees shall be authorized to fund an ABLE account pursuant to Federal and New York State Law each year if beneficial to the beneficiary;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the execution and filing of a bond by the Trustees is hereby dispensed with, as the corporate Trustee is the sole Trustee authorized to make distributions and is separately insured;

The Court further finds that the request for a legal fee by ROBERT LEGAL GROUP, PLLC, for work in preparing the A.B. Special Needs Trust, and in advising of the ABLE Account and the interrelationship between a lawsuit recovery and ongoing eligibility for government entitlements is fair, reasonable and necessary. It is hereby Ordered that such fee in the sum of \$5,000.00 is approved and shall be paid to ROBERT LEGAL GROUP, PLLC by ODDO & BABAT, P.C. from its attorney's fees awarded in the Order Approving Settlement on Behalf of Minor issued by this Court in this matter on this date;

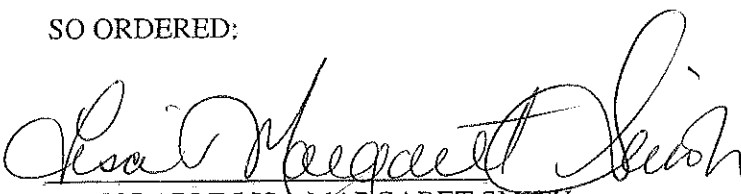
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustees of the A.B. Special Needs Trust be and hereby are authorized to purchase an automobile at a cost not to exceed \$30,000.00 plus tax, for the benefit of A.B., provided, however, that title and insurance to

the vehicle shall be held in the name of DORIS MALDONADO ALVEREZ, individually, but the A.B. Special Needs Trust shall have a registered lien for the full purchase price of the vehicle. Such purchase shall be conditioned on DORIS MALDONADO ALVEREZ, individually, reimbursing the A.B. Special Needs Trust in the event said vehicle is sold or traded in for another vehicle and upon the death of A.B. and/or termination of the A.B. Special Needs Trust, the vehicle shall be sold and the A.B. Special Needs Trust shall be reimbursed with the proceeds of such sale;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parents and natural guardians of the Plaintiff shall bring an application for the appointment of a legal guardian of A.B. prior to his 18th birthday before a court of competent jurisdiction, and that said court shall have ongoing jurisdiction over the A.B. Special Needs Trust;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court will retain jurisdiction for all matters concerning the interpretation, administration, and operation of the A.B. Special Needs Trust and the duties and performance of the Co-Trustees and all other related matters until such time as another court gains jurisdiction through the appointment of a legal guardian.

SO ORDERED:

  
HONORABLE LISA MARGARET SMITH  
UNITED STATES MAGISTRATE JUDGE

Dated:

7/16/2020

